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7 Attorneys for Defendant
VIRTUAL GUARD, INC.

8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA
10

11 DAWN YOSEF, an individual,
12 Plaintiff,

13 v.

14 VIRTUAL GUARD, INC.;
15 EMPLOYEE(S)/AGENT(S) DOES I-X; and
16 ROE CORPORATIONS XI-XX, inclusive,
17 Defendant.
18

Case No.

**NOTICE TO FEDERAL COURT OF
REMOVAL OF CIVIL ACTION FROM
STATE COURT**

[28 U.S.C. §§ 1331, 1367, 1441, AND 1446]

[FEDERAL QUESTION]

19 **TO THE CLERK FOR THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF**
20 **NEVADA:**

21 NOTICE IS HEREBY GIVEN that Defendant VIRTUAL GUARD, INC. (“Virtual Guard” or
22 “Defendant”), hereby removes the above-entitled action from the Eighth Judicial District Court in and
23 for the County of Clark, State of Nevada to the United States District Court for the District of Nevada
24 pursuant to 28 U.S.C. §§ 1331, 1367, 1441, and 1446. This removal is based upon federal question
25 jurisdiction and is timely. A true and correct copy of the Notice to State Court of Removal of Action
26 to Federal Court is attached hereto and incorporated herein as **Exhibit A**.

27 In support of this Notice of Removal, Defendant states to the Court as follows:

28 1. On or about September 14, 2021, an action was commenced in the Eighth Judicial
District Court of Clark County, entitled DAWN YOSEF, an individual vs. VIRTUAL GUARD, INC.

1 EMPLOYEE(S)/AGENT(S) DOES I-X, and ROE CORPORATIONS XI-XX, inclusive. A true and
 2 correct copy of the original Complaint is attached hereto as **Exhibit B**.

3 2. On October 15, 2021, Defendant Virtual Guard's registered agent was served with a
 4 copy of Plaintiff's Complaint and Summons.¹ Accordingly, this Notice of Removal is timely.

5 3. Plaintiff's Complaint purports to state two causes of action: (1) age discrimination /
 6 harassment and (2) negligent hiring, training, supervision and retention.

7 4. This Court has original jurisdiction over this action under 28 U.S.C. § 1331 and
 8 removal jurisdiction under 28 U.S.C. § 1441(a) in that the first cause of action alleges that Defendant
 9 violated Plaintiff's rights under the Age Discrimination in Employment Act ("ADEA"). Such a claim
 10 arises under federal law under 29 U.S.C. § 623 and, thus, is subject to federal jurisdiction pursuant to
 11 28 U.S.C. § 1331. Pursuant to 28 U.S.C. § 1367, any other claims Plaintiff alleges are within this
 12 Court's supplemental jurisdiction as they form part of the same case or controversy, which gives rise
 13 to this Court's jurisdiction over Plaintiff's second claim.

14 5. Accordingly, this action is a civil action for which this Court has original jurisdiction
 15 under 28 U.S.C. § 1331, which provides that United States district courts "shall have original
 16 jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States."
 17 As noted, this action may be removed to this Court pursuant to the provisions of 28 U.S.C. § 1441(a)
 18 because Plaintiff is asserting claims arising under federal law.

19 6. This Court has supplemental jurisdiction over the remaining state law claims pursuant
 20 to 28 U.S.C. § 1367.

21 7. The Notice to the Adverse Parties of Removal to Federal Court was filed in state court
 22 and served simultaneously herewith, in accordance with 28 U.S.C. § 1446(d).

23 8. The Notice to State Court of Removal of Civil Action to Federal Court was filed in
 24 state court and served simultaneously herewith, in accordance with 28 U.S.C. § 1446(d).

25 9. Venue is proper in this Court as this is the court for the district and division embracing
 26 the place where the action is pending in state court, in accordance with 28 U.S.C. §§108 and 1441(a).

27
 28

¹ The affidavit of service has not yet been filed, but the summons and complaint were served on Defendant's CEO, who is Defendant's Registered Agent, on October 15, 2021.

1 10. No other defendants are required to join this Notice of Removal as no other defendants
2 have been served with any summons or Complaint nor are any identified in the Complaint.

3 WHEREFORE, Defendant prays that the above-referenced action now pending against it in
4 the Eighth Judicial District Court in and for the County of Clark, State of Nevada, be removed
5 therefrom to this Court.

6 Dated: November 15, 2021

LITTLER MENDELSON P.C.



Z. Kathryn Branson
Kelsey E. Stegall

Attorneys for Defendant
VIRTUAL GUARD, INC.

PROOF OF SERVICE

I am a resident of the State of Nevada, over the age of eighteen years, and not a party to the within action. My business address is 3960 Howard Hughes Parkway, Suite 300, Las Vegas, Nevada 89169-5937. On November 15, 2021, I served the within document(s):

NOTICE TO FEDERAL COURT OF REMOVAL OF CIVIL ACTION FROM STATE COURT

☒ By CM/ECF Filing – Pursuant to FRCP 5(b)(3) and LR 5-4, the above-referenced document was electronically filed and served upon the parties listed below through the Court’s Case Management and Electronic Case Filing (CM/ECF) system:

Gabroy Law Offices
Christian Gabroy, Esq.
Kaine Messer, Esq.
The District at Green Valley Ranch
170 South Green Valley Parkway,
Suite 280
Henderson, NV 89012
Email: christian@gabroy.com
Email: kmesser@gabroy.com

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 15, 2021, at Las Vegas, Nevada.

/s/ Maribel Rodriguez
Maribel Rodriguez